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**TITLE 326 AIR POLLUTION CONTROL DIVISION**

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**FINDINGS AND DETERMINATION OF THE COMMISSIONER  
PURSUANT TO [IC 13-14-9-8](#) AND DRAFT RULE  
LSA Document #17-282****UNITED STATES STEEL-GARY WORKS SULFUR DIOXIDE EMISSION LIMITATIONS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to the sulfur dioxide emission limitations at [326 IAC 7-4.1-20](#) applicable to the United States Steel-Gary Works (USS) facility. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules.

**CITATIONS AFFECTED:** [326 IAC 7-4.1-20](#).

**AUTHORITY:** [IC 13-14-9-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

**STATUTORY REQUIREMENTS**

[IC 13-14-9-8](#) recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the [IC 13-14-9](#) environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the proposed rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by [IC 13-14-9-8](#), the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-8](#).

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in [IC 13-14-9-7\(a\)\(2\)](#) from:

(A) exposing the rule to diverse public comment under [IC 13-14-9-3](#) or [IC 13-14-9-4](#);

(B) affording interested or affected parties the opportunity to be heard under [IC 13-14-9-3](#) or [IC 13-14-9-4](#); and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under [IC 13-14-9-3](#) and [IC 13-14-9-4](#).

**BACKGROUND**

USS submitted a letter to IDEM on May 16, 2016, stating that, as of March 30, 2015, the USS coke plant, including the coal handling facilities, coke oven batteries, coke byproducts recovery plant, coke oven desulfurization facility, and the #2 coke plant boiler house, ceased operation. The requirements under [326 IAC 7-4.1-20](#) that relate to sulfur dioxide emission limitations based on combustion of coke oven gas are no longer appropriate or necessary since the permanent shutdown. The letter requested that the requirements that are no longer necessary because of the coke plant shutdown be deleted from [326 IAC 7-4.1-20](#). IDEM concurs with the USS request and prepared a section 8 notice to delete the requirements of [326 IAC 7-4.1-20](#) that are no longer necessary. After final adoption of this rulemaking, the revisions to [326 IAC 7-4.1-20](#) will be submitted to the United States Environmental Protection Agency for inclusion into the State Implementation Plan.

It is appropriate to conduct this rulemaking under the abbreviated process of [IC 13-14-9-8](#) because USS has eliminated a source of pollutants, which means the requirements under [326 IAC 7-4.1-20](#) related to those pollutants are no longer needed.

**[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a technical amendment with no substantive effect on an existing Indiana rule.

#### **Potential Fiscal Impact**

There is no fiscal impact created by this rulemaking that eliminates requirements under [326 IAC 7-4.1-20](#) that are no longer necessary since the permanent shutdown by USS of its coke plant including the coal handling facilities, coke oven batteries, coke byproducts recovery plant, coke oven desulfurization facility, and the #2 coke plant boiler house.

#### **Public Participation and Work Group Information**

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel at (317) 232-8635 or (800) 451-6027 (in Indiana).

#### **Small Business Assistance Information**

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP and other resources available can be found at:

[www.in.gov/idem/ctap](http://www.in.gov/idem/ctap)

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor  
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison  
IGCN 1316  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 233-0572 or (800) 988-7901  
[ctap@idem.in.gov](mailto:ctap@idem.in.gov)

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 4-4-35-8](#) is:

Katelyn Colclazier  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 431-1560  
[kcolclazier@iedc.in.gov](mailto:kcolclazier@iedc.in.gov)

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 4-4-35-8](#), specifically [IC 4-4-35-8\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Brian Rockensuess  
IDEM Small Business Assistance Program Ombudsman/Office of Government and Community Affairs  
IGCN 1301  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386 or (800) 451-6027  
[brockens@idem.in.gov](mailto:brockens@idem.in.gov)

#### **FINDINGS**

The commissioner of IDEM has prepared findings regarding rulemaking on the USS sulfur dioxide emission limitations under [326 IAC 7-4.1-20](#). These findings are prepared under [IC 13-14-9-8](#) and are as follows:

- (1) This rule is a technical amendment with no substantive effect on an existing Indiana rule because the requirements under [326 IAC 7-4.1-20](#) that relate to sulfur dioxide emission limitations based on combustion of coke oven gas are no longer appropriate or necessary since the permanent shutdown, as of March 30, 2015, of the USS coke plant including the coal handling facilities, coke oven batteries, coke byproducts recovery plant, coke oven desulfurization facility, and the #2 coke plant boiler house. The requirements that are no longer necessary because of the coke plant shutdown are deleted from [326 IAC 7-4.1-20](#) under this draft rule.
- (2) The environment and persons regulated or otherwise affected by the proposed rule will benefit from prompt adoption of this rule because the requirements of [326 IAC 7-4.1-20](#) proposed for deletion are no

- longer necessary and will appropriately represent the current operating situation at USS-Gary Works.
- (3) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the proposed rule from the first or second written comment period under [IC 13-14-9-3](#) or [IC 13-14-9-4](#), or from the first public hearing under [IC 13-14-9-5\(a\)\(1\)](#).
- (4) The draft rule is hereby incorporated into these findings.

Bruno L. Pigott  
Commissioner  
Indiana Department of Environmental Management

### REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #17-282 (USS sulfur dioxide)  
MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to [mstevens@idem.in.gov](mailto:mstevens@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.
- Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

### COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than July 28, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

### DRAFT RULE

SECTION 1. [326 IAC 7-4.1-20](#) IS AMENDED TO READ AS FOLLOWS:

#### [326 IAC 7-4.1-20](#) U.S. Steel-Gary Works sulfur dioxide emission limitations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 20. (a) U. S. Steel-Gary Works, Source Identification Number 00121, shall comply with the following sulfur dioxide emission limitations in pounds per million British thermal units (MMBtu) and pounds per hour when the coke oven gas desulfurization emissions unit is not operating during the following periods:

| Emissions Unit Description   | Emission Limit<br>lbs/MMBtu | Emission Limit<br>lbs/hour |
|--|-----------------------------|----------------------------|
| (1) During January through December:                               |                             |                            |
| (A) Turboblower Boiler House Boiler No. 6                          | 0.115                       | 81.7                       |
| (B) No. 4 Boiler House Boiler Nos. 1, 2, and 3:                    |                             |                            |
| (i) During periods when Blast Furnace No. 13 Stoves are combusting |                             |                            |

|  |                               |             |
|--|-------------------------------|-------------|
| blast furnace gas:   |                               |             |
| (AA) When three (3) boilers are operating  | 0.115                         | 172.5 total |
| (BB) When two (2) boilers are operating  | 0.173                         | 172.5 total |
| (CC) When one (1) boiler is operating  | 0.345                         | 172.5 total |
| (ii) During periods when Blast Furnace No. 13 Stoves are not combusting blast furnace gas and Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are combusting coke oven gas:      |                               |             |
| (AA) When three (3) boilers are operating  | 0.200                         | 300.0 total |
| (BB) When two (2) boilers are operating  | 0.300                         | 300.0 total |
| (CC) When one (1) boiler is operating  | 0.600                         | 300.0 total |
| (iii) During periods when Blast Furnace No. 13 Stoves are not combusting blast furnace gas and Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are not combusting coke oven gas: |                               |             |
| (AA) When three (3) boilers are operating  | 0.195                         | 293.0 total |
| (BB) When two (2) boilers are operating  | 0.293                         | 293.0 total |
| (CC) When one (1) boiler is operating  | 0.586                         | 293.0 total |
| (C) Number 2 Coke Plant Boiler House:  |                               |             |
| (i) Boiler No. 8   | 1.270                         | 316.2       |
| (ii) Boiler No. 9  | 1.270                         | 298.45      |
| (iii) Boiler No. 10  | 1.270                         | 298.45      |
| (D) Coke Oven Underfiring Stacks:  |                               |             |
| (i) Nos. 2 and 3   | 1.270                         | 251.5 each  |
| (ii) Nos. 5 and 7  | 1.270                         | 158.75 each |
| (E) During periods when the 84-inch Hot Strip Mill Continuous Reheat Furnaces Nos. 1, 2, 3, and 4 are not combusting coke oven gas:  |                               |             |
| (i) Hot Strip Mill Waste Heat Boiler No. 1 or 2  | 1.270                         | 287.0       |
| (ii) Remaining Hot Strip Mill Waste Heat Boiler  | 0.704                         | 159.0       |
| (F) Hot Strip Mill Continuous Reheat Furnace Nos. 1, 2, 3, and 4 during periods when combusting coke oven gas:   |                               |             |
| (i) When four (4) furnaces are operating   | 0.256                         | 615.0 total |
| (ii) When three (3) furnaces are operating   | 0.342                         | 615.0 total |
| (iii) When two (2) furnaces are operating  | 0.513                         | 615.0 total |
| (iv) When one (1) furnace is operating   | 1.025                         | 615.0 total |
| (G) Number 3 Sinter Plant Windbox Gas Cleaning Systems   |                               | 260.0 total |
| (H) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator  |                               | 22.0        |
| (I) Blast Furnace Stove Stacks:  |                               |             |
| (i) No. 4  | 0.115                         | 40.25 total |
| (ii) No. 6   | 0.115                         | 40.25 total |
| (iii) No. 8  | 0.115                         | 37.38 total |
| (J) Blast Furnace Stove Stack 13 during periods when combusting blast furnace gas  | 0.134                         | 93.50 total |
| (K) No. 13 Blast Furnace Casthouse Baghouse during periods when Blast Furnace No. 13 Stoves are combusting blast furnace gas   |                               | 115.0       |
| (L) No. 2 Q-BOP Shop Hot Metal Desulf Baghouse   | 0.05 pounds per ton hot metal | 28.54       |
| (M) No. 1 BOP Shop Hot Metal Desulf Baghouse   | 0.05 pounds per ton hot metal | 28.54       |
| (2) During specified periods:  |                               |             |
| (A) Turboblower Boiler House Boiler Nos. 1, 2, 3, and 5:   |                               |             |
| (i) During periods when the Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are not combusting coke oven gas:  |                               |             |
| (AA) January through April:  |                               |             |
| (aa) When four (4) boilers are operating   | 0.594                         | 974.5 total |
| (bb) When three (3) boilers are operating  | 0.792                         | 974.5 total |
| (cc) When two (2) boilers or less are operating  | 1.188                         | 974.5 total |

|   |        |               |
|---|--------|---------------|
| <del>(BB) May through October:</del>  |        |               |
| <del>(aa) When four (4) boilers are operating</del>   | 1.006  | 1,650.0 total |
| <del>(bb) When three (3) boilers are operating</del>  | 1.341  | 1,650.0 total |
| <del>(cc) When two (2) boilers or less are operating</del>  | 2.012  | 1,650.0 total |
| <del>(CC) November through December:</del>  |        |               |
| <del>(aa) When four (4) boilers are operating</del>   | 0.384  | 630.0 total   |
| <del>(bb) When three (3) boilers are operating</del>  | 0.512  | 630.0 total   |
| <del>(cc) When two (2) boilers or less are operating</del>  | 0.768  | 630.0 total   |
| <del>(ii) During periods when the Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are combusting coke oven gas:</del> |        |               |
| <del>(AA) January through April:</del>  |        |               |
| <del>(aa) When four (4) boilers are operating</del>   | 0.625  | 1,025.0 total |
| <del>(bb) When three (3) boilers are operating</del>  | 0.833  | 1,025.0 total |
| <del>(cc) When two (2) boilers or less are operating</del>  | 1.250  | 1,025.0 total |
| <del>(BB) May through October:</del>  |        |               |
| <del>(aa) When four (4) boilers are operating</del>   | 0.994  | 1,630.0 total |
| <del>(bb) When three (3) boilers are operating</del>  | 1.325  | 1,630.0 total |
| <del>(cc) When two (2) boilers or less are operating</del>  | 1.988  | 1,630.0 total |
| <del>(CC) November through December:</del>  |        |               |
| <del>(aa) When four (4) boilers are operating</del>   | 0.351  | 575.0 total   |
| <del>(bb) When three (3) boilers are operating</del>  | 0.467  | 575.0 total   |
| <del>(cc) When two (2) boilers or less are operating</del>  | 0.701  | 575.0 total   |
| <del>(B) Number 2 Coke Plant Boiler House Boiler Nos. 4 and 5:</del>  |        |               |
| <del>(i) January through April</del>  | 0.444  | 150.0 total   |
| <del>(ii) May through October</del>   | 0.385  | 130.0 total   |
| <del>(iii) November through December</del>  | 0.0006 | 0.203 total   |
| <del>(C) Number 2 Coke Plant Boiler House Boiler No. 6:</del>   |        |               |
| <del>(i) January through April</del>  | 1.27   | 214.6         |
| <del>(ii) May through October</del>   | 1.27   | 214.6         |
| <del>(iii) November through December</del>  | 1.18   | 200.0         |

~~(b) (a)~~ U.S. Steel-Gary Works, **Source Identification Number 00121**, shall comply with the following sulfur dioxide emission limitations in pounds per **million British thermal units (MMBtu)** and pounds per hour: ~~when the coke oven gas desulfurization emissions unit is operating:~~

| Emissions Unit Description                         | Emission Limit<br>lbs/MMBtu | Emission Limit<br>lbs/hour |
|--|-----------------------------|----------------------------|
| (1) Turboblower Boiler House:                      |                             |                            |
| (A) Boilers Nos. 1, 2, 3, and 5:                   |                             |                            |
| (i) When four (4) boilers are operating            | 0.427                       | 700.0 total                |
| (ii) When three (3) boilers are operating          | 0.569                       | 700.0 total                |
| (iii) When two (2) boilers or less are operating   | 0.854                       | 700.0 total                |
| (B) Boiler No. 6                                   | 0.115                       | 81.7                       |
| (2) Number 4 Boiler House Boiler Nos. 1, 2, and 3: |                             |                            |
| (A) When three (3) boilers are operating           | 0.353                       | 529.0 total                |
| (B) When two (2) boilers are operating             | 0.529                       | 529.0 total                |
| (C) When one (1) boiler is operating               | 1.058                       | 529.0 total                |
| <del>(3) Number 2 Coke Plant Boiler House:</del>   |                             |                            |

|   |  |             |
|---|--|-------------|
| (A) Boiler No. 3  | 0.260                                  | 40.6        |
| (B) Boiler Nos. 4 and 5   | 0.260                                  | 87.9 total  |
| (C) Boiler No. 6  | 0.260                                  | 44.0        |
| (D) Boiler No. 7  | 0.260                                  | 42.1        |
| (E) Boiler No. 8  | 0.260                                  | 64.7        |
| (F) Boiler No. 9  | 0.260                                  | 61.10       |
| (G) Boiler No. 10   | 0.260                                  | 61.10       |
| (4) Coke Battery Number 2, 3, 5, and 7 Underfiring:             |  |             |
| (A) Nos. 2 and 3  | 0.260                                  | 51.5 each   |
| (B) No. 5   | 0.270                                  | 33.8        |
| (C) No. 7   | 0.260                                  | 32.5        |
| (5) (3) Blast Furnace Stove Stacks:                             |  |             |
| (A) No. 4   | 0.115                                  | 40.25 total |
| (B) No. 6   | 0.115                                  | 40.25 total |
| (C) No. 8   | 0.115                                  | 37.38 total |
| (D) No. 13  | 0.134                                  | 93.50 total |
| (6) (4) 84-inch Hot Strip Mill:                                 |  |             |
| (A) Waste Heat Boiler Nos. 1 and 2                              | 0.260                                  | 58.8 each   |
| (B) Continuous Reheat Furnaces Nos. 1, 2, 3, and 4:             |  |             |
| (i) When four (4) furnaces are operating                        | 0.182                                  | 436.5 total |
| (ii) When three (3) furnaces are operating                      | 0.243                                  | 436.5 total |
| (iii) When two (2) furnaces are operating                       | 0.354                                  | 436.5 total |
| (iv) When one (1) furnace is operating                          | 0.728                                  | 436.5 total |
| (7) (5) Number 3 Sinter Plant Windbox Gas Cleaning Systems      |  | 200 total   |
| (8) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator |  | 295         |
| (9) (6) No. 13 Blast Furnace Casthouse Baghouse                 |  | 115         |
| (10) (7) No. 2 Q-BOP Shop Hot Metal Desulf Baghouse             | 0.05<br>pounds per<br>ton hot<br>metal | 28.54       |
| (11) (8) No. 1 BOP Shop Hot Metal Desulf Baghouse               | 0.05<br>pounds per<br>ton hot<br>metal | 28.54       |

(e) (b) U.S. Steel-Gary Works shall comply with additional sulfur dioxide emission requirements as follows:

(1) U.S. Steel shall record and make available to IDEM, upon request, process and fuel use information pertaining to each emissions unit, process, or combustion unit identified in this section, including the following:

(A) Identification of the applicable limit.

(B) The amount and type of each fuel used for each emissions unit for each calendar day of operation.

(C) The operating scenario chosen for the U.S. Steel-Gary Works.

(D) The hourly sulfur dioxide emission rate in pounds of sulfur dioxide per hour calculated by dividing the total daily sulfur dioxide emissions in pounds of sulfur dioxide per day by twenty-four (24) hours.

(E) The hourly sulfur dioxide emission rate in pounds of sulfur dioxide per MMBtu for those emissions units with a pounds of sulfur dioxide per MMBtu limit in this rule calculated by dividing the total daily sulfur dioxide emissions in pounds of sulfur dioxide per day by the total heat input per day in MMBtu.

(2) U.S. Steel-Gary Works shall submit an exception report to the department within thirty (30) days of an exceedance of the limitations in this section that includes the following:

(A) Identification of the applicable limit or limits being exceeded.

(B) Identification of any emissions unit exceeding the applicable limit and the dates when the limits were exceeded.

(C) The calculated sulfur dioxide emission rate in pounds per hour for each emissions unit exceeding the limitations for the days that the pounds per hour limitations were exceeded.

(D) The calculated sulfur dioxide emission rate in pounds per MMBtu for each combustion unit, furnace, boiler, or process operation for each emissions unit exceeding the pounds per MMBtu limitations for the days that the limitations were exceeded.

(E) The actual daily fuel usage for each combustion unit, furnace, boiler, or process operation for each emissions unit exceeding the limitations for the days that the limitations were exceeded.

(3) An emission unit shall **must** burn natural gas only:

- (A) if it is not listed in this rule; or
- (B) under any operating condition not specifically listed in this rule.
- ~~(4) The desulfurization facility is restricted to no more than nine hundred fifty (950) hours of downtime in a calendar year.~~

*(Air Pollution Control Division; [326 IAC 7-4.1-20](#); filed May 25, 2005, 10:50 a.m.: 28 IR 2962)*

[Notice of Public Hearing](#)

*Posted: 06/28/2017 by Legislative Services Agency*

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